

## Remarks

Claims 1 to 30 were pending in this application. Claim 31 has been added in the above amendment and is described in more detail below. The examiner has requested that the specification be reviewed and amended to correct any errors in translation and to conform the application to U.S. standards.

Further, the examiner has rejected claims 1 through 30 under 35 U.S.C. §112, second paragraph, for failure to particularly point out and distinctly claim the invention.

The examiner has also rejected claims 1, 2, 17, 19, 23 to 25, 29 and 30 as being anticipated by EP 1 378 400. The examiner contends that EP '400 teaches all of the elements of these claims in Figs. 4 and 19 for an energy guide cover. Claims 1, 2 10, 14, 15, 17, 19, 20, 22 to 26, 29 and 30 were rejected as being anticipated by *Moritz*, and Figs. 4 and 5.

The examiner has indicated that claims 3 to 9, 11 to 13, 16, 18, 21, 27, and 28 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112 and to include all of the limitations of their respective independent claims. Applicants have not made amendments to place the allowable claims in independent claim format because it is believed that all of the claims are allowable over the rejected claims.

## AMENDMENTS TO THE SPECIFICATION

As indicated by the examiner, the specification is a translation of the foreign priority document. Minor changes have been included in the substitute specification filed herewith to place the specification in proper format, and to correct minor typographical errors. The Abstract has been placed on a separate sheet. Also, paragraphs 0011, 0031, 0038, and 0040 have been deleted or had portions deleted which cross-referenced the claims. In the Brief Description of the Drawings, the word --and-- was added to the end of paragraph 60. In addition, the specification

as filed included a handwritten notation at page 4, line 6, that was correct, and now has proper typed characters in compliance with the rules. Also, the spelling of the name "Hooke" has been amended in all places where it appears to include an "e." It is believed that this is the correct spelling although some sources spell it without the "e." No new matter has been added by these amendments.

### **REJECTIONS UNDER 35 U.S.C. §112**

All claims were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Applicants have amended the independent claims 1, 19, and 24, as well as all of the dependent claims. Without listing all of the deficiencies cited by the examiner at pages 2 to 3 of the Action, Applicants note that through amendments to the claim language and to the claim dependency, the deficiencies have been addressed. Finally, claims 23, 29, and 30 have been completely changed, as discussed in detail below, and no longer have the problems raised by the examiner. Applicants respectfully submit that no new matter is added with these amendments and that the claims now comply with 35 U.S.C. §112, second paragraph.

### **REJECTIONS UNDER 35 U.S.C. 102(b)**

The examiner has indicated that European Patent Document EP 1,378,400 ("EP '400") discloses a cover for an energy guide chain (item 40 in Figs. 4 and 19) having two end regions with an elastic section therebetween. Applicants respectfully submit that the "cover" cited by the examiner is, in fact, a tube in which the entire energy guide chain is inserted. In addition, there is no teaching in EP '400 of a cover or a tube that has properties meeting the limitation of  $\Delta L/S < 1$ . This relationship describes a ratio between the change in cover length according to Hooke's law and the actual change in cover length when a force is applied to the cover. The length change

can be due to the geometrical length change of the cover, as well as the length change due to the elastic behavior of the cover. (Amended Spec. p. 4, para. 13.) Thus, the tube being cited by the examiner is not a disclosure of the claimed cover, and EP '400 does not anticipate the independent claims. Further, none of the dependent claims is anticipated for this same reason.

The examiner has also indicated that *Moritz* (U.S. Patent No. 4,672,805) discloses an energy guide chain 9 to 11 in Fig. 4 having end regions 10/11 with an elastic region 9 therebetween. Again, there is no disclosure of the limitation of the flexibility being  $\Delta L/S < 1$ . Therefore, the claims are not anticipated and Applicants respectfully submit that they are allowable.

#### **REVISED AND NEW CLAIMS**

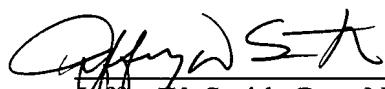
Claims 23, 29, and 30 have been completely revised, and claim 31 has been added. These claims all generally relate to the cover extending between transverse links and claim 31 specifically recites that the cover is also connected to a transverse link. These claims are supported by the specification relating to the description of Fig. 13 in general. No new matter is added by these amendments, and these claims clearly distinguish over the cited art for the reasons stated above and for the further reasons the cited references do not disclose a cover having the properties recited in these claims.

Applicant: Eckl et al.  
Application No.:10/568,839

**Conclusion**

For the foregoing reasons, Applicants respectfully submit that the claims are now in condition for allowance and that this case should be passed to issue.

Respectfully submitted,

  
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